

REMARKS

This Amendment is in response to the Office Action mailed January 9, 2007.

The Examiner will note that the recitations “in an aqueous environment” and “in the aqueous environment” have been canceled throughout the claims. The post-biopsy cavity treatment implant is now simply recited to as being implanted, as opposed to being implanted “in an aqueous environment” or “in the aqueous environment.” It is not believed that this recitation materially affects the patentability of the claims with respect to the applied art, requires undue consideration and/or updated search.

The Examiner’s indication of the allowability of claims 1-7, 10, 12-19, 21-57 and 59-69 is appreciated.

Claims 137-165 were rejected as being indefinite under 35 U.S.C. §112(2), but were also indicated to be allowable if amended to overcome the §112(2) rejection.

The Examiner helpfully pointed out that the phrase “third controlled pore architecture was “vague and unclear since there have not been two others previously.” The Examiner’s attention to detail in this regard is appreciated.

As the Examiner will note, claim 137 has now been amended to replace the phrase “third controlled pore architecture”, which lacked antecedent basis, with “a controlled pore architecture”, which does not suffer from such a lack of antecedent basis. Claims 137-165 are now believed to have the requisite degree of particularity so as to satisfy the requirements of §112(2) and should now be allowable. Reconsideration and withdrawal of these rejections and allowance of claims 137-165 are, therefore, respectfully requested.

Claims 80-82 were indicated to be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims. In reliance thereon, the allowable subject matter of claims 80-82 has been incorporated into amended independent claim 80. Independent claim 80 and its dependent claims, therefore, are now believed to be allowable. Claims 80-82 have been canceled for reasons that are unrelated to patentability, solely to expedite the prosecution of this application and without surrendering any scope.

Claims 93-95 were indicated to be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims. In reliance thereon, new claim 166 includes the subject matter of independent claim 74 and the allowable subject matter of claims 93. New claim 167 is presented herewith, which claim depends upon allowable new claim 166 and includes the subject matter of claim 94. New claim 168 is also presented herewith, which claim depends upon allowable new claim 166 and includes the subject matter of claim 95. New independent claim 166 and its new dependent claims 167-168, therefore, are now believed to be allowable. Claims 93-95 have been canceled for reasons that are unrelated to patentability, solely to expedite the prosecution of this application and without surrendering any scope.

Claim 98 was indicated to be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims. In reliance thereon, new claim 169 includes the subject matter of independent claim 74 and the allowable subject matter of claim 98. New independent claim 169 is now believed to be allowable. Claim 98 has been canceled for reasons that are unrelated to patentability, solely to expedite the prosecution of this application and without surrendering any scope.

Claims 99-101 were indicated to be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims. In reliance thereon, new claim 170 includes the subject matter of independent claim 74 and the allowable subject matter of claims 99. New claim 171 is presented herewith, which claim depends upon allowable new claim 170 and includes the subject matter of claim 100. New claim 172 is also presented herewith, which claim depends upon allowable new claim 170 and includes the subject matter of claim 101. New independent claim 170 and its new dependent claims 171-172, therefore, are now believed to be allowable. Claims 93-95 have been canceled for reasons that are unrelated to patentability, solely to expedite the prosecution of this application and without surrendering any scope.

Lastly, claim 104 was indicated to be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims. In reliance thereon, new claim 173 includes the subject matter of independent claim 74 and the allowable subject matter of claim 104. New independent claim 173 is now believed to be allowable. Claim 104 has been canceled for reasons that are unrelated to patentability, solely to expedite the prosecution of this application and without surrendering any scope.

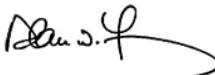
Claim 158 was amended as to form, to address minor housekeeping matters.

In view of the foregoing, it is respectfully submitted that claims 1-7, 10, 12-19, 21-57 and 59-69 stand allowed, independent claim 74 has been amended to include the allowable subject matter of claims 80-82, independent claim 137 has been amended into allowable form by overcoming the outstanding §112(2) rejections, and that new independent claims 166, 169-170 and 173 each include subject matter indicated to be allowable in the outstanding Office Action. Claims 80-82, 93-95, 98-101 and 104 have been canceled. Therefore, all remaining claims now include

allowable subject matter, either directly or through their dependency upon a new or amended independent claim that does.

In view of the above, applicants believe that this application is now in condition for allowance. If any unresolved issues remain, please contact the undersigned attorney of record at the telephone number indicated below and whatever is necessary to resolve such issues will be done at once.

Respectfully submitted,



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By: _____

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